

AMENDMENT

Serial Number: 10/821,718

Filing Date: April 9, 2004

Title: Hydrogels used to deliver medicaments to the eye for the treatment of posterior segment diseases

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RH01.701US**REMARKS**

On October 14, 2008 Applicant responded to the Official Action dated June 12, 2008. A second Official Action was mailed on February 19, 2009 stating that the Response of October 14, 2008 was not fully responsive to the prior Office Action because a terminal disclaimer or traverse was not filed regarding the Non-Statutory Double Patenting Rejections. Applicant believes that the amendment filed on October 14, 2008 was entered and adequately addressed the other rejections that were cited in the Office Action of June 12, 2008. The Terminal Disclaimers filed herewith are believed to obviate the Non-Statutory Double Patenting Rejections cited in the June 12, 2008 Official Action. Together with the Response filed on October 14, 2008, Applicant believes that all of the issues have now been addressed as requested by the Examiner. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Non-Statutory Obviousness Type Double Patenting

Claims 1-14 and 20 were newly rejected on the grounds of non-statutory obviousness type double patenting over U.S. Patent No. 7,169,406. Enclosed is a Terminal Disclaimer to obviate the double patenting rejection over U.S. Patent No. 7,169,406. Withdrawal of the rejection is respectfully requested.

Claims 1-14 were provisionally rejected on the grounds of non-statutory obviousness type double patenting over pending U.S. Patent Application No. 11/102,454. Enclosed is a Terminal Disclaimer to obviate the double patenting rejection over U.S. Patent Application No. 11/102,454. Withdrawal of the rejection is respectfully requested.

Claims 1-14 were provisionally rejected on the grounds of non-statutory type obviousness double patenting over pending U.S. Patent Application No. 10/132,843. U.S. Patent Application No. 10/132,843 has been abandoned. Withdrawal of the rejection is respectfully requested.

Authorization to charge a credit card has been provided upon electronic filing of this amendment in the amount of \$140.00 to cover the Terminal Disclaimer fees. In the event there are any additional fees due, please charge them to our Deposit Account No. 50-2121.

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Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

March 19, 2009

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Attachment: 2 Terminal Disclaimers